

REMARKS

The Examiner is thanked for his courtesy in discussing this case by telephone on October 26, 2004. In our telephone conversations, the undersigned pointed out to the Examiner that the pending Office Action, issued on August 25, 2004, was exactly the same (except for the summary page) as the Office Action previously issued on March 16, 2004, even though there were substantial claim amendments made in the Response filed on May 28, 2004, including amendments to claims 1, 29 and 33, dropping of claims 32, 35-38 and the addition of then new claims 39 and 40. The present Office Action failed to reflect any of these claim amendments.

The Examiner acknowledged to the undersigned that the pending Office Action was issued erroneously in that it should not simply have repeated the text of the March 16 Office Action. The Examiner also indicated that a corrected Office Action would be forthcoming. However, since no corrected Office Action has been received, applicants now file this response to the pending, though erroneous, Office Action to comply with the pending three-month shortened statutory period for response.

In making this response, applicants merely re-present the claims, without amendment, and in the same form as presented in the Response filed on May 28, 2004, and applicants also repeat arguments made in the May 28, 2004, response.

Claims 1, 3-23, 29, 31, 33, 34, 49, and 40 are in the application. As noted above, no claim amendments have been made in this paper. Claims 1, 29, 33 and 39 are the independent claims herein. No new matter has been added. Reconsideration and further examination are respectfully requested.

Claim Rejections Under 35 USC § 102(e)

Claims 1, 3-22, 29, 31, 33 and 34 are rejected as being anticipated by U.S. Patent No. 6,259,990 (“Shojima”).

Claim 1, as now presented, is directed to a “method for providing directions”, which includes “receiving at a server from at least one fixed wireless communication device information identifying a current location of a portable communication device having short range

wireless communication capability". Claim 1 further recites that "the at least one fixed wireless communication device [is] located within a building". The method recited in claim 1 further includes "identifying a direction of movement to be communicated to the portable communication device to direct it towards a destination within the building" and "transmitting the direction of movement to the portable communication device from the server via a fixed wireless communication device".

It is noted that the Shojima reference fails to disclose the "at least one fixed wireless communication device", now recited in claim 1, by which information concerning the location of a portable communication is transmitted to a server, to allow the portable communication device to be directed to a location in a building in which the at least one fixed wireless communication device is located. At column 3, lines 30-37, the reference discloses a portable communication device 2 which sends its current location to an "information providing apparatus 1" in order to receive back from the apparatus 1 route information. However, the reference does not indicate how the communication between the portable communication device 2 and the apparatus 1 takes place, and does not indicate that such communication may be via at least one fixed wireless communication device located in a building which also contains the destination to which the portable communication device is to be directed. It is noted that the installation markers 3 described in Shojima cannot satisfy the at least one fixed wireless communication device recited in claim 1, since the installation markers 3 only send out locating beams to the portable devices 2, and do not transmit information from the portable devices 2 to a server such as the apparatus 1.

It is therefore submitted that claim 1, as now presented, is patentable over the Shojima reference.

Claims 3-22 are all dependent on claim 1, and are submitted as patentable on the same basis as claim 1.

In addition, it is noted that claim 6 recites the additional limitation of "defining a piconet using multiple transceivers". In explaining the rejection of claim 6, the Examiner merely

referred to Fig. 2 of the Shojima reference. However, Fig. 2 of the reference is a block diagram of the “stationary route computation and information providing apparatus” 1 (akin to a server), and has nothing to do with a “piconet” as recited in claim 6. Neither does the reference otherwise disclose a piconet. It is therefore submitted that claim 6 is patentable on grounds independent of claim 1.

Claim 29 as now presented is similar in scope to former claim 32. In explaining the rejection of former claim 32, the Examiner stated that the claim was “interpreted and rejected as set forth” relative to claim 6. However, as noted above, the rejection of claim 6 is flawed, in that the reference fails to disclose a “piconet” as recited in both claim 6 and claim 29. It is therefore respectfully requested that the rejection of claim 29 be reconsidered and withdrawn.

Claims 31 and 34 are dependent on claim 29 and are submitted as patentable on the same basis as claim 29.

The present Office Action indicates that claim 33 is rejected as allegedly anticipated by the Shojima reference, but the Office Action fails to contain any specific rationale for the rejection of claim 33. Moreover, claim 33 recites a “scatternet”, which is not disclosed in the reference. It is therefore respectfully requested that the rejection of claim 33 be withdrawn.

Claim Rejections Under 35 USC § 103(a)

Claim 23 is rejected as being unpatentable over Shojima in view of U.S. Patent No. 6,418,372 (“Hofmann”).

Claim 23 is dependent on claim 1 and is submitted as patentable on the same basis as claim 1. It is not believed that the secondary reference Hofmann raises any issues that need to be discussed in view of the above remarks regarding claim 1.

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Claim 39 is directed to a “method for providing direction” which includes “determining a current location of a portable communication device based on presence of the portable

communication device within a reception range of a fixed wireless communication transceiver”, “receiving information identifying the current location of the portable communication device”, “identifying a direction of movement to be communicated to the portable communication device to direct it towards a destination” and “transmitting the direction of movement to the portable communication device”.

As noted above, the present Office Action fails to indicate that the Examiner has actually considered claim 39. Although claim 39, and its dependent claim 40, are listed as “rejected” on the summary sheet of the present Office Action, the body of the Action itself fails to state any rationale for rejecting claims 39 and 40 or to apply any prior art to those claims. It is respectfully requested that claims 39 and 40 now be properly considered on their merits.

It is noted that the prior art fails to teach or suggest a system in which the location of a portable communication device is determined based on presence of the portable communication device within a reception range of a fixed wireless communication transceiver, and then receiving information identifying the current location, identifying a direction of movement and transmitting the direction of movement to the portable communication device. The pedestrian guidance systems of the Shojima and Hofmann references are quite different from the guidance method recited in claim 39, as well as being quite different from each other, and the teachings of these references could not properly be combined to arrive at the method recited in claim 39.

CONCLUSION

Accordingly, Applicants respectfully request allowance of the pending claims. If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at (203) 972-3460.

Respectfully submitted,



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Date

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